

0309

BOX:

348

FOLDER:

3276

DESCRIPTION:

Sexton, Lawrence G.

DATE:

03/11/89



3276

0310

District Attorney's Office.

PEOPLE

vs.

Lawrence G. Sexton

The only evidence pro-
vable to prove that
Maude Oathaway, the
girl for whose abduc-
tion the defendant has
been indicted, was under
the age of sixteen at the
time the said crime
was committed upon
her is the testimony
of the mother. The testi-
mony from memory only,
and has no record evidence
to corroborate her statement.
Moreover, she left Maude
to the care of one Mrs. Donah
almost from the time of
her birth. This Mrs. Donah,
an aunt of Maude, brought
her to school and, in May

W. B. C. Counsel,

Filed 11/17/1889
Pleads, Chicago, Ill.

THE PEOPLE

vs.

Lawrence G. Sexton

ABDUCTION.
[Section 282, Sub. 1, Penal Code.]

JOHN R. FELLOWS,

District Attorney.

for trial 1/19

A True Bill.

March 26, 1889

Chas. J. Deane Foreman.

March 27, 1889.

Indictment returned

0311

Police Court

Second Dist.

The People vs

Catherine O'Neil

Lawrence G. Sexton

Examination Before Justice O'Reilly

Feb 6 1889

For the People Mr. Stiner
... Off Mr. Mc Clelland

Catherine O'Neil being duly sworn
and examined as a witness for the
people deposes and says:-

Q Have you at any time had any
conversation with the defendant
Sexton?

A. Yes sir

Q When and where, and under
what circumstances?

A On the 11th of January at the
Post Office

Q What conversation did you
have with him?

A. I went down and told him

0312

young man that ~~told~~ he had
got my daughter in trouble.
He said he did not know it
~~at that time~~ He told me to
keep still. He asked me if
I would please ask the super-
intendent to let him off and
for me to say that his mother
was sick. ~~He came~~ : that he
would come up and see my
daughter and if she said yes
it was all right. He came
up to the house with me. He
saw my child. I heard him
^{and he says to him} say that he was the one that
first had anything to do with
her. He said yes he knew
that. He said he was willing
to do right by her. I did
not hear anything more.

Q Have you seen him since?

A Yes sir. I saw him on the first
of this month. I went down
and told him how she was,
I wanted to know what he was

going to do for my little girl.
He said "Nothing: you can go
and get me arrested if you
want to." I told him that I
did not want to do that: I
did not want to bring my
daughter into disgrace. He said
he had plenty of witnesses to
bring to court.

Q Is she now in the family way,

A Yes Sir she is.

Q When does she expect to be
confined?

A The latter part of this month.

Examined by Mr. H. Clelland.

Q What is your name?

A Catherine O'Neil

Q You are a married woman?

A Yes Sir

Q Is the father of this child
living?

A I do not know Sir.

Q When was this child born?

A She was born on the 10th of May 1879.

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Q She was born May 10 1873

Q Where?

A She was born in 16th Street.

Q What number?

A at No 213

Q What doctor attended you?

A I did not have any doctor

Q Who delivered the child?

A My aunt.

Q Which aunt?

A Mrs Clunez - she is dead four years.

Q How long had you lived in that house prior to that time?

A I came down to my aunt's house on a visit and was taken sick

Q How long did you remain in the house?

A Until after I got well - quite a while - four or five months until I was able to go to work

Q Has the child been constantly with you since she was born?

4 A No Sir

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2 with whom has the child been?

A My aunt Mrs Dolan. I paid for her from a five dollar month. I went to work. My aunt took care of the child for me and I paid for it. I was at work.

2 Mr Dolan has had substantially charge of the child ever since?

A She has been with the aunt and with me.

2 She has been more with Mrs Dolan than she has with you?

A Yes: because I worked for my living.

2 When was the child christened?

A Never. I never had her christened because she was healthy.

2. The only persons who know the date of her birth are yourself Mr Dolan and Mrs Clune;

A I do not know that Mr Dolan knows. She is an old lady.

2 Was there ever a paper filed with the Board of Health as to the date of the birth of

03 16

Miss Ched:

A. No Sir. I wrote it myself in a book

Q. Have you got that book?

A. No Sir; it was burned up in a fire in my house - that was a year ago

Q. Your ched went to school did she not?

A. Yes Sir.

Q. Miss M. Gunes?

A. Yes Sir.

Q. Who took her to school?

A. My aunt

Q. Mr. Drelan?

A. Yes Sir

Q. Is she here?

A. - No Sir. She is not able to come. She is an old lady.

Q. When did she take her to school?

A. I do not know.

Q. Do you remember her being taken to the H. H. & H. School?

6 A. No Sir

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2. Do you remember giving her age there?

A. I do not remember sir - I think she gave her age herself

2. Were you present at the time?

A. Yes sir, but I did not pay any attention to her

2. Do you know Miss Mc Guire?

A. No sir

2. Whom did you see?

A. I could not tell - the teacher - yes - Mrs Mc Guire was there too.

2. Did you have any conversation with the teacher?

A. No sir only I just wanted to take back.

2. To take her back? How long ago?

A. I could not say

2. Two, three, four or five years?

A. I do not know - I do not remember

2. How long did you girl go to that school?

7 A. I could not say.

0318

2 Where did you go from?

A - From the country - from Blauvettville

2 And you can't tell how long ago?

A - No sir

2 You don't know whether it was three years - five years or ten years.

A - No sir

2 What is your daughter's name?

A Maude V. Hatheway

2 That was the name of your husband?

A Yes sir

2 When was you married to him? when I was 17 years old.

2 When was that?

A I am 32 years old now.

2 Where was you married?

A - In Seventh Avenue at the Coninick's house

2 Do you know the minister's name

A No I do not sir: my husband took me there

2 Have you got any memorandums
8 by means of which you can

0319

verify your statement as to the
time of this child's birth?

1. It was burned up.

2. Are you certain that it was
the 10th of May 1873?

A. Yes Sir

2. Have you ever made any
other statement as to her age?

A. No Sir

2. She was born May 10 1873?

A. Yes Sir

2. That would make her
16 years of age next May?

A. Yes: She will be 16 years
old the 10th of next May

2. Have you had any other children?

A. No Sir: She is the only one.

2. How do you fix the date as
the 10th of May 1873?

A. I put it down in a book

2. When?

A. After I got up.

2. How long since that book
was destroyed?

9. A. I think it was a year ago

X last April at a fire in
Beauvillerville in my house
when I was living at my
husband's house, Mr O'Neil
2 a year ago?

A - A year or two years I am
not certain. The house burned
down. It was in May or
April I am not sure - my daughter
knows. I do not remember
I think it is going on two years.

2 when did you see that book.

A I have always seen it.

2 when did you last look at
that book that had that entry
of the 10th day of May 1873?

A I could not say. I could
not tell.

2 Did you look at it once
from 1873 down to the time
it was burned?

A Yes.

2 when?

A I could not say.

10 2 more than once?

0321

2 more than once?

X A No sir: only once.

2 Now you speak entirely from memory when you give the date of her birth?

A She was born in 1873

2 You speak from memory entirely?

A Yes

2 How ^{old} is Mrs. Doleen your aunt

A I could not say.

2 Did you ask her to take your daughter to H. H. St. School?

A No sir

2 She knew the age of the girl?

A I do not know: I do not think she remembers.

2 Don't you remember that you were sick for a fine month?

A I was

2 You left the child there afterwards did you not?

A I did

2 How long after the birth of the child did you leave her there?

11

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A Four or five month.

Q How long did you leave her there?

A Up to now

Q Then Mrs Dolan has had charge of the child?

A Yes: she has been with me and my aunt

Q How much of the time has she been with Mrs Dolan?

A A good deal of the time

Q How much of the time with you?

A I could not say.

Q Between a year and two years?

A Yes.

Q The balance of the time she has been with Mrs. Dolan?

A Yes.

Q Why did you not have her christened?

A I do not know. She has been a healthy child. When I kept it so long I was

0323

afraid to have it christened I
did not want to take her after
I had kept her so long.

Q when does Mrs Dolan live?

A at 21st west 17th St (?)

Q How old is she?

A I do not know

Q Is she bed ridden?

A She is an invalid: she cannot
walk

Q Cannot come out of the house?

A No Sir.

Re. arrest

Q - How long a time did your daughter
stay with you?

A Three or four months at a
time

Q Does Mrs Dolan know the
age of this child?

A I do not know whether she
remembers. She is an old lady.

13 Maudie V. Hathaway being duly

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sworn and examined as a witness
for the people deposes and says:

Q The last witness is your mother?

A Yes

Q Have you been told by your
mother on what day you were
born?

A Yes Sir

Q On what day were you born?

October 10th.

Q Have you seen any book in
your mother's possession?

A Yes.

Q Did you see any writing in the
book?

A Yes Sir

Q State what the writing was?

A Maude V. Hathaway. Born May
10 1873.

Q Where did you see that book?

A Up in Blauveltville.

Q Where you were residing?

A Yes

Q Have you visited your mother
frequently?

0325

A. Yes Sir.

Q. How often often?

A. I sometimes stay two or three weeks at a time.

Q. When was the last time you saw that book?

A. About a month before the fire.

Q. Was you there when the fire took place?

A. Yes Sir.

Q. You saw the book in the house a month before the fire?

A. Yes Sir.

Q. Was the book burned?

A. Yes Sir.

Q. Everything in the house burned?

A. Everything but a bureau and a bed.

Q. Do you know the defendant Lawrence G. Sexton?

A. Yes Sir.

Q. Did he have sexual intercourse with you?

0326

A Yes Sir.

Q When and where?

A In June: in the hallway.

Q Last year?

A Last year

Q How many times did he have intercourse with you?

A Twice.

Q From the effect of that intercourse are you pregnant?

A Yes Sir.

Q Have you ever had sexual intercourse with any other person?

A No Sir

Q He is the first person that had sexual intercourse with you?

A Yes Sir

Mr. H. Chelms - I move the strike that out.

Motion denied.

Cross examined

16 Q - When did you see that

0327

book after this entry was made about your birth?

A. A month before the fire.

Q Did you see the entry then?

A Yes sir

Q How did you come to examine the entry then?

A I was looking at a lot of books

Q And how do you say that entry read?

A "Maude V. Hathaway. Born May 10 1873"

Q Is that all?

A That is all

Q In whose handwriting was the entry?

A I do not know

Q Did you look at it,

A Yes sir.

Q Did you examine the entry?

A I just ^{merely} looked at it and put it down again.

Q Had you ever seen it before?

17 A I had seen it before when I

0328

was a little girl.

2 When for the first time did you see it so as to know it.

A About a month before the fire

2 You say you do not know whose handwriting it is?

A No sir I do not.

2 Can you write?

A Yes sir

2 You have often written letters to your mother?

A Yes sir

2 and she has written letters to you?

A Yes sir

2 How long have you been in the habit of writing letters to your mother?

A - Since I was 12 years old

2 How long ago was that?

A Three years - going on four years

2 You know your mother's handwriting?

A Yes sir

18 2 Did you see whether this

0329

handwriting in the book was
your mother's?

A I did not take any notice of
the handwriting particularly. I
did not take any notice.

Q Do you remember going to
18th Street School?

A Yes sir

Q When did you go there?

A When I was about 8 years
old.

Q Do you remember what year?

A I do not

Q Who was your teacher?

A Mrs Rich

Q How long did you attend
school there?

A About two years - I got sick.

Q Did you go back to school
afterwards?

A Yes sir

Q When was that?

A When I was 11 years old I
went back.

19 Q How long did you stay?

0330

About a year and a half -
then I left.

Q Have you had any schooling
since?

A No sir

Q Have you attended church?

A Yes; at St Francis Xavier Church.

Q When did you go there first?

A I do not remember - I was
a baby when I went there
first.

Q How long did you attend there?

A I could not tell

Q When did you leave there?

A About three years ago

Q Who took you there?

A I used to go there with my
~~sister~~ Aunt Mrs Dolan

Q She took you to school?

A Yes

Q She took you to the primary
and school the second time?

A No sir; my mother took me
the second time

20 Q Do you remember the age that

0331

she gave?

X A It was three years ago. I gave 12 years old.

2 Whom did you give that age to?

A Miss Mc Guire

2 Your mother was with you?

A - Yes Sir

2 Have you been to any other school than the school you mentioned?

A No Sir.

2 Is there any record of your birth except the one that has been destroyed?

A - No Sir

The People rest

Mr Catherine O'Neill recalled

2 What is your name?

A Catherine O'Neill

2 You are married?

A Yes

2 What is your husband's name?

0332

A Michael O'Neill

Q When were you married to him?

A In 1875

Q Who was your first husband?

A John Hallaway

Q Where is ~~Hallaway~~ he?

A I do not know. I could not tell

Q When were you married to him?

A I could not tell - I was 16 or 17 when I was married.

Q Have you been divorced from him?

A No Sir

Q Was this entry made by you in a Bible?

A It was a book - I put it down.

Q It was in your handwriting?

A How long after the birth of the child?

A Four or five months after

Q Do you know that it is a violation of law to represent the date of the birth of this

0333

check and not give it to the
authorities of the city:

A- I do not know

Maggie Smith being only seven
and examined as a witness for
Defendant before and
says: I live at 224 West
17th Street. I will be 17 years
old next December.

Q What is your business?

A I stay at home with my
parents

Q Do you know Maude Hathaway
here?

A Yes Sir

Q How long have you known
her

A About two years

Q Where did you first meet her?

A On the block where we live

Q Did you have any conversation
with her?

23 A Yes Sir

0334

2- [Box produced] what is this?

A - It is a box of pills she bought for me.

2 Did you have any conversation with her with reference to her relations with men?

A Yes

2 What was it?

Objected to

2 ~~Witness~~ state any of those conversations?

Objected to

Objection Sustained

Mr Mc Clelland - I offer to show that this Maude Hathaway has admitted to this witness that she is a prostitute. I wish to prove her conversation with this witness

Objected to

Objection Sustained

Adjourned to Friday 10. A.M.

" " Feb 9 10 A.M.

0335

G. W. H.
Sept

Second Day February 9

Maudie Hathaway recalled and
further examined by Mr. McCallum
counsel for defendant deposes
and says:-

Q Did you in 1885 go to school
in 19th Street. Do you remember?

A No sir.

Q What school did you go to?

A 18th Street

Q Do you know whether it
was September?

A I do not know

Q Did your mother go with
you?

A She went with me once ^{you} ^{she}

Q Did ~~you~~ ^{she} go there in 1883 with ^{you}?

A I do not know but it
was 1883

Q Whom did you see when
you went there?

A Miss McQuire.

Q Do you remember going to
the same school in 1883?

25-

A

0336

A No.

Q You do not remember anything about it?

A I do not remember

Q Do you remember going there in 1886?

A No.

Q When you went in 1883 did you give your age?

A I do not remember.

Q Did anybody else give it for you?

A I do not remember. I do not think so.

Q Do you now remember going there in 1885?

A I do not

Q You do not remember going there?

A I do not remember.

Q You do not know who went with you?

A My mother went with me once.

26 Q Do you remember whether

0337

it was September 1885 or
November 1886.

A I do not remember.

Q On the occasion that your
mother went with you who
gave you age then?

A I did I think

Q Your mother was present at
that time?

A No; Mrs Mc Ennis told my
mother to go in a room.

Q When did you examine this
record that you speak of?

A A week before the fire.

Q When was the fire?

A Two years this day.

Q When for the first time did
you learn your age?

A Well by looking at the
book a month before the
fire

Q Did you know your age before
that?

27 A Not exactly.

Q Do you know what year

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you were born in:

A My mother always said I was born in 1873

Q Did she ever tell you in what month:

A She said May 10.

Q When for the first time did your mother tell you you were born in 1873:

A I could not ~~answer~~ exactly remember. That is what she always said to me.

Lucy E. de Guise being

only sworn and examined as a witness for defendant deposes and says: I live at 53 West Twenty second Street. I am Principal of 14th St Grammar School No 56.

Q As Principal of that school you have charge of the entry of scholars?

et

1
A Yes Sir: all of them.

2 Were you in 1883 Principal
of the school:

A Yes Sir.

2 (Book produced) What is
that book you have before
you:

A The Register of the School

2 Of what school:

A Of Examiners School 56
The Primary Department.

2 Do you recognize this girl
Maude Hathaway?

A Yes: That is Maude Hathaway.

2 Was she a pupil of your
school?

A Yes Sir.

2 Look at your record of
September 1883 and see if
the name Maude Hathaway
appears upon the record?

A Yes Sir.

2 Now look under September
1883 does the name of
Maude Hathaway appear

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upon the record;

1. Yes sir

2. Maude Hathaway here
the girl referred to in that
record?

1. Yes

By Mr. Stine -

2 - 2. That record in your
handwriting?

1. Yes sir; made at that time.

By Mr. Chandler

2. Be kind enough to read
the record.

1. September 1883, Maude
Hathaway was admitted, eleven
years of age. The number
of months was not given
at that time. It is merely
eleven years of age.

2. How long did she remain
in the school?

1. April 1883. She was discharged
in April 1883

0341

2 Look at the record for September 1885?

A It is Maude Hathaway 13.

2 Is that in your handwriting?

A Yes Sir

2 And that is Maude Hathaway this girl?

A Yes; Maude Hathaway admitted September 1885 - aged 13. We did not take the month then. We do since.

2 How long did she remain in the school?

A Until September 1886 - just one year.

2 Then she left?

A Yes.

2 Now turn to the entry of November 1886. What is that?

A Maude Hathaway

2 Is this girl ^{the} person referred to in the register?

A Yes Sir

9/2 And this record is in

your handwriting?

A. Yes Sir.

Q. What is the entry of this girl's age there?

A. Fourteen years and six months.

Q. She told you in November 1886 that she was 14 years of age and six months at that time?

A. Yes. She gave her age as 14 years and six months that was in November 1886.

Q. How long did she remain in the school?

A. One month.

By Mr. Stiner

Q. These questions were not put to this girl under oath?

A. We do not swear children.

By the Court

Q. Was her mother with her?

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A I could not tell whether
her mother came with her
or whether she came alone.
She was old enough to give
her age. And all the statements
that she made tallied with
one another. I could not
tell whether it was her mother
came with her.

In the clerk's - all these
three school registers of her
age show that this girl
is 16 years and 9 months
old now. I move that
Defendant be discharged.
Motion denied.

Off held to answer \$1000
bail.

0344

City & County of New York
SS of No 218 W. 17th St
Catharine O'Neill, aged 31 years
occupation House Keeper being
duly sworn deposes and says
that on the 5th day of June 1888
at the City of New York in the
County of New York.

Lawrence G. Sexton
did unlawfully take and receive
Maudie V. Hathaway aged 15 years
three weeks (more or less) said Maudie
being under the age of sixteen
years for the purpose of ~~seduction~~
sexual intercourse, ^{he said Sexton} not being her
husband without the consent of
deponent her Mother or other person
having legal charge of her
person for the purpose of marriage
in violation of the statute in such
case made and provided and
especially in Section 282 of the
Penal Code of the State of New
York. Wherefore deponent prays
that the said Sexton may be

0345

assisted and dealt with
according to law

DeWent says that she
has been informed by Maudie
V Hattaway her daughter
that the facts stated are
true

Catharine C. Knill

Sworn to before me

this 4 day of Feby 1889

San Jose Police Justice

0346

CITY AND COUNTY }
OF NEW YORK, } ss.

Maud V. Hathaway
aged *15 1/2* years, occupation *Nothing* of No.
218 W 17th Street, being duly sworn deposes and

says, that he has heard read the foregoing affidavit of *Bartholme O. Neill*
and that the facts stated therein on information of deponent are true of deponents' own
knowledge.

Sworn to before me, this

day of

1889

4
Feb
Maud V. Hathaway

Samuel J. Smith

Police Justice.

0347

Sec. 198-200.

District Police Court.

CITY AND COUNTY }
OF NEW YORK, } ss.*Laurence G. Sexton*

being duly examined before the under-
signed according to law, on the annexed charge; and being informed that it is h ☒ right to
make a statement in relation to the charge against h ☒; that the statement is designed to
enable h ☒ if he see fit to answer the charge and explain the facts alleged against h ☒
that he is at liberty to waive making a statement, and that h ☒ waiver cannot be used
against h ☒ on the trial.

Question. What is your name?

Answer. *Laurence G. Sexton*

Question. How old are you?

Answer. *20 years*

Question. Where were you born?

Answer. *N.Y.*

Question. Where do you live, and how long have you resided there?

Answer. *551 9th Avenue. 2 months*

Question. What is your business or profession?

Answer. *Clerk*

Question. Give any explanation you may think proper of the circumstances appearing in the
testimony against you, and state any facts which you think will tend to your
exculpation?

Answer.

*I have nothing to say except
that I am not guilty.
Laurence G. Sexton*

Taken before me this

4

day of

1889

Police Justice.

0348

Sec. 151.

Police Court 2 District.

CITY AND COUNTY }
OF NEW YORK, } ss.

In the name of the People of the State of New York; To the Sheriff of the County of New York or to any Marshal or Policeman of the City of New York, GREETING:

Whereas, Complaint in writing, and upon oath, has been made before the undersigned, one of the Police Justices for the City of New York, by Catharine O'Neill
of No. 218 W 17 Street, that on the 5 day of June

1888 at the City of New York, in the County of New York,

Laurance G. Sexton did unlawfully take and receive Maude V. Hathaway a child under the age of sixteen years for the purpose of sexual intercourse

Wherefore, the said Complainant has prayed that the said Defendant may be apprehended and bound to answer the said complaint.

These are Therefore, in the name of the PEOPLE of the State of New York, to command ~~you~~ the said Sheriff, Marshals and Policemen, and each and every of you, to apprehend the said Defendant and bring forthwith before me, at the 2 DISTRICT POLICE COURT, in the said City, or in case of my absence or inability to act, before the nearest or most accessible Police Justice in this City, to answer the said charge, and to be dealt with according to law.

Dated at the City of New York, this 4 day of July 1889

Samuel J. O'Connell POLICE JUSTICE.

0349

24578. M. 20. W. N. J. Clerk of the 551. E. Avenue

The within named

having been brought before me under this Warrant, is committed for examination to the
WARDEN and KEEPER of the City Prison of the City of New York.

Dated 188

Police Justice.

POLICE COURT DISTRICT.

THE PEOPLE, &c.,
ON THE COMPLAINT OF

Seamus G. Neill

vs.

Lawrence G. Jackson

Warrant-General.

Dated February 4 1889

Daniel W. Kelly Magistrate.

Michael Kelly Officer.

The Defendant Lawrence G. Jackson
taken, and brought before the Magistrate, to answer
the within charge, pursuant to the command con-
tained in this Warrant.

Michael Kelly Officer.

Dated February 4 1889

This Warrant may be executed on Sunday or at
night.

Seamus G. Neill Police Justice.

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It appearing to me by the within depositions and statements that the crime therein mentioned has been committed, and that there is sufficient cause to believe the within named Seydant

guilty thereof, I order that he be held to answer the same and he be admitted to bail in the sum of Ten Hundred Dollars, and be committed to the Warden and Keeper of the City Prison, of the City of New York, until he give such bail.

Dated 9 Feb 1889 Samuel J. [Signature] Police Justice.

I have admitted the above-named
to bail to answer by the undertaking hereto annexed.

Dated _____ 188 _____ Police Justice.

There being no sufficient cause to believe the within named _____
guilty of the offence within mentioned, I order h to be discharged.

Dated _____ 188 _____ Police Justice.

0351

Bail for \$11000
FR

Police Court--- 2 District. 212

THE PEOPLE, &c.,
ON THE COMPLAINT OF

Lawrence G. Sexton
218 W. 17 St

Offence Abduction

BAILED,

No. 1, by

Residence

No. 2, by

Residence

No. 3, by

Residence

No. 4, by

Residence

Dated

1889

Magistrate.

Officer.

Precinct.

Witnesses

No.

Street.

No.

Street.

No.

Street.

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to answer

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0352

Sparkill N. Y.
Feby 27th / 1889

This is to certify that I
attended Maude S. Hathaway
in child birth Feby 18th / 1889
and that while she is doing
very well, in my judgment
it would not be safe for her
to be exposed as she must
necessarily be to go to Court.
In my opinion it would im-
peril her life - Should she
continue to do well, in my opin-
ion she could go to Court in
a week or ten days -

L. H. Martin M.D.

0353

People's
Lawrence J. Sexton

0354

1889

Blauveltville Feb 19th

District attorney

Dear Sir we did not
receive your notice
untill Tuesday Feb 15th
my Daughter

Confined on Friday
February 15th we cannot
come down untill she is
able to get out of bed
she is verry sick at
Present

Catharine O Hill

0355

1889

Blauveltville Feb 19th

District attorney

Dear Sir we did not
receive your notice
untill Tuesday Feb 15th
my daughter

was
confined on Friday
February 15th we cannot
come down untill she is
able to get out of bed
she is verry sick at
Present

Catharine O Hill

0356

2

DISTRICT POLICE COURT.

THE PEOPLE,
ON COMPLAINT OF

Catherine O'Neil
agst.
Laura G. Sexton

Examination had Feb 6. Feb 10 1889
Before Daniel O'Reilly Police Justice.

I, William L. Ormsby Stenographer of the 2 District Police

Court, do hereby certify that the within testimony in the above case is a true and correct copy of

the original Stenographer's notes of the testimony of Catherine O'Neil, Maude
J. Hathaway, Mrs Catherine O'Neil.

as taken by me on the above examination before said Justice.

Dated Feb 9 1889

W. L. Ormsby
Stenographer.

Daniel O'Reilly
Police Justice

0357

Mand Hutchins ^{June -} ^{Found}
 May 29. 1874. 36th & 7th ave.
 Taken. 28 Percent. by officer
 Fleming & Rev. D. H. Quarters detained
 15 minutes. & taken from 218. W - 17th.

0358

14.7 - 1 m.

Nov. 86
Dec 87
8

0359

Court of General Sessions

The People

vs.
Lawrence G. Deaton

Indictment:

Abduction

§ 239, sub. P. C.

in having on the 5th of June, 1888,
feloniously taken, harbored etc. one
Maud V. Hathaway, then a female
under the age of sixteen years, of
for the purpose of sexual intercourse,
the defendant not being the husband
of said Maud V. Hathaway.

Peter Masterkorn, 173 West 68
Street, Deputy Clerk Police Depart-
ment. At the request of defendants
counsel I have searched the records
of lost children in the said de-
partment for one Maud Hatha-
way. The annexed exhibit
is a correct transcript of an
entry found by me in said re-
cords concerning the said Maud
Hathaway.

0360

Lucia E. Mc Guire, 53 West 22^d
Street, Principal of Grammar School
56, Primary Department. I know
Maudie Hathaway mentioned
in the indictment. She entered my
school in May 1883; she gave then
her age as eleven years. In September
1883 she was again admitted to
paid school and again gave her
age as eleven years. In Septem-
ber 1885, on being again admitted
she gave her age as thirteen years.
In November 1886, she was admitted
for the fourth time and then gave
her age as 14 years and 6 months.
I have dates I testify to from the
school record kept by myself.
I swear to before me
this 26th of March 1889

Edward Croose
Notary Public
City and County of New York

Maudie Hathaway, 22^d West
14th St. Plannersville, Rockland
County, N. Y. I was admitted into
Grammar School 56 on the dates
given by Miss Mc Guire, the principal

at thereof. The first time my age was given by my aunt Olga Dolan, of 218 West 17th Street, with whom I had lived, as long as I can remember. On the three subsequent times I ^{myself} gave my age to Miss McQuire. I always believed that my age was as I stated it to Miss McQuire, until my mother informed me that I was not yet so old. When I was 12 years old, I once was admitted to the school at Platteville and when on that occasion I gave my age as being 13 years, my mother told me that I was but 12 years old. Notwithstanding this information I gave my age in November, 1884 to Miss McQuire as 14 years and 6 months because I believed I had to make a statement consonant with my former statements.

Maggi Smith, 224 West 17th.
I live with my parents. I know Maude Hathaway, mentioned in the indictment herein and have

0362

known her for two years and
eight months. In March of last
year, when I was in the first
months of pregnancy, she
said I had offered me a box
of pills to procure an abortion.
~~He informed me~~ When I became
acquainted with her, she inform-
ed me that in ~~another~~ one month
thereafter she would be 15 years
of age, and that she would get
her first long dress then. She got it
a month later. I remember
this distinctly, because I also got
my first long dress at said time.
She often told me that she had had
intercourse with different men,
prior to her marriage.
this 26 of March. 1889 } Maggie Smith

Edward Grose
Notary Public
City and County of New York.

Ann Knight, 22nd West 17th Street, near horse, married to John Knight. I have known Mand Hathaway mentioned in the in-

0363

dictament for the last two years.
Last summer she informed me
that in May, this year she would
be seventeen years of age. In
January, 1888, I found her in
the alleyway of 224 West 17th
Street, having sexual intercourse
with one Jack Vallely. I remember
the incident concerning her age,
because we were talking about
the age of several persons, and
myself asked her for her age.
Given to before me }
this 26th of March 1889 } Annie Knight
Edward Grose
Notary Public
City and County of New York

John Sheridan, 224 West 17th St.
Bar sampler of J. L. Craig,
Brooklyn. I know Maud Hatha-
way, mentioned in the dicta-
ment. I made her acquaint-
ance about five years ago.
A little over two years ago she
told me that ^{she} was 15 years of
age. She was then commencing
to wear long clothes. I have

0364

often seen her with young men sitting on the stoops of the houses in her neighborhood late at night. Her reputation for chastity is not good.

Presented before me } J. Sherrin
this 26th of March 1889 }

Farvard Grose

Notary Public
City and County of New York

Lamorne G. Poston, 551 Ninth Avenue, Clerk in the Post Office. In the summer of 1888, Maud Hathaway told me that she was over sixteen years of age. She often talked about her age, and ~~she~~ ^{all} her statements concerning the same agreed with that given in the summer of 1888. On February, the 2^d, 1889, Maud's mother came to me and demanded \$25 from me under pretence that I was ~~the father of~~ ~~her son~~ responsible for the pregnancy of her daughter's condition. I refused, because I ~~was~~ ^{am} not the father of the said

0365

Maud's child.

Brought before me
this 16th of March 1889

Lawrence G. Selmer

Edward Grosse

Notary Public

City and county of New York

Catharine O'Neill, Plainville

I am married to Michael O'Neill.
Maud Hathaway is a daughter
which I had from my first hus-
band. She was born in her aunt,
Elise Donnan's, house and has
lived there ever since with
very short interruptions. She
is a seven months child. I
made a memorandum of her
birth in ^{a little book} ~~our family bible~~, but
this was destroyed by fire in
May, 1887. I have no other re-
cord of her birth. The entry in
said ~~bible~~ ^{book} is the only means
of my remembrance of the
date of her birth. She was born
on the 10th of May, 1888. I have
no person, who could testify as to
Maud's age, except said Mrs.
Donnan, but she is an invalid.

0366

and is not in her right mind
Sworn to before me
this 26th of March, 1889 } Cassius C. Smith

Edward Grosse
Notary Public
City and County of New York

0367

No. 39.—LOST CHILDREN RETURNS.

Book 1.

28

Precinct.

To the Chief Clerk:—DAILY RETURN in relation to Lost Children received and disposed of in this Precinct

29th

day of *May* 187*4* 188*8*

No 3079 on Register

NAME	SEX	AGE	COLOR	NATIVITY OF PARENTS	BY WHOM FOUND	WHERE FOUND	PRECINCT	HOW DISPOSED OF	TIME DISPOSED OF	TIME KEPT	No. OF MEALS	FOUNDLINGS
<i>Maud Hathaway</i>	<i>F</i>				<i>W. U.S. Officer Fleming</i>	<i>36th St. & 7th Ave., D.C.</i>		<i>Sent to 218 W. 17th St.</i>	<i>11¹⁵ P.M.</i>	<i>4h</i>		

Capt.

Precinct.

COURT OF GENERAL SESSIONS.

THE PEOPLE, &c.

vs.

Lawrence D. Foster

BRIEF OF FACTS.

For the District Attorney.

Dated.

1889

March 26
Edward Groves

Deputy Assistant.



0369

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK

against

Lawrence D. Sexton

The Grand Jury of the City and County of New York, by this indictment, accuse

Lawrence D. Sexton

of the CRIME OF ABDUCTION, committed as follows:

The said *Lawrence D. Sexton*

late of the City of New York, in the County of New York aforesaid, on the
fifth day of *June*, — in the year of our Lord one
thousand eight hundred and eighty-*eight*, at the City and County aforesaid, did
feloniously take, receive, harbor, employ and use one *Maud V. Hathaway*
who was then and there a female under the age of sixteen years. to wit: of the age of
fifteen years, for the purpose of sexual intercourse, he, the
said *Lawrence D. Sexton* not being then and there
the husband of the said *Maud V. Hathaway*
against the form of the Statute in such case made and provided, and against the peace of
the People of the State of New York and their dignity.

JOHN R. FELLOWS,

District Attorney.

0370

BOX:

348

FOLDER:

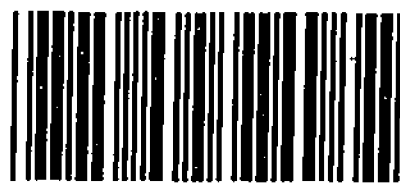
3276

DESCRIPTION:

Silio, Angelo

DATE:

03/21/89



3276

0371

Witnesses:

Counsel,

Filed,

Pleads,

1889-

THE PEOPLE,

vs.

Angelo Lilio

VIOLATION OF EXCISE LAW
(Keeping Open on Sunday)
[III Rev. Stat. (7th Edition), Page 1889, Sec. 5.]

11/20/89
Clerk of Court of Appeals
Sessions for trial, by return

1660000000

JOHN R. FELLOWS.

District Attorney.

A True Bill.

Chas H Scott Foreman.

0372

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK,

against
Angelo Lilio

The Grand Jury of the City and County of New York, by this indictment,
accuse *Angelo Lilio* —
of the CRIME OF KEEPING OPEN ON SUNDAY a place licensed for the SALE OF STRONG
AND SPIRITUOUS LIQUORS, WINES ALE AND BEER, committed as follows:

The said *Angelo Lilio* —
late of the City of New York, in the County of New York aforesaid, on the
tenth day of *March* in the year of our Lord one
thousand eight hundred and eighty-*nine*, the same being the first day of the
week, commonly called and known as Sunday, being then and there in charge of, and
having the control of a certain place there situate, which was then duly licensed as a
place for the sale of strong and spirituous liquors, wines, ale and beer, with force and
arms, at the City and County aforesaid, the said place so licensed as aforesaid, unlawfully
did not close and keep closed, and on the said day the said place so licensed as aforesaid
unlawfully did open and cause and procure, and suffer and permit to be open, and to
remain open, against the form of the Statute in such case made and provided, and against
the peace of the People of the State of New York and their dignity.

JOHN R. FELLOWS,

District Attorney.

0373

BOX:

348

FOLDER:

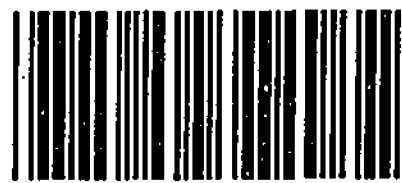
3276

DESCRIPTION:

Smith, Andrew

DATE:

03/29/89



3276

0374

Witnesses:

G. Link

Counsel,

Filed

day of March 1889

Pleads,

THE PEOPLE

vs.

P

Andrew Smith

Grand Larceny Second degree.
[Sections 628, 68 / Penal Code].

JOHN R. FELLOWS,

District Attorney.

A True Bill.

Classed with Foreman.

April 27/89

J. J. J. J. J.

P. P. J. J. J.

R. B. M.

0375

Police Court—4 District.

Affidavit—Larceny.

City and County } ss.
of New York,Neil McDermottof No. 92 Horatio Street, aged 37 years,
occupation Laborer being duly sworndeposes and says, that on the 20 day of March 1889 at the City of New
York, in the County of New York, was feloniously taken, stolen and carried away from the possession and
person of deponent, in the day time, the following property viz:

Gold and lawful money of the issue of
the United States consisting of one
note of the denomination of ten dollars
and one note of the denomination and
value of five dollars
said money being in all of the value
of fifteen dollars \$15.00

the property of Deponent

and that this deponent
 has a probable cause to suspect, and does suspect, that the said property was feloniously taken, stolen,
 and carried away by Andrew Smith (now here)

from the fact that deponent was intoxicated,
and deponent had said money in the
pocket of the jumper then worn upon
deponent's person

Deponent is informed by Julius
Link of No 534 2nd Avenue that deponent
and said defendant Smith were in his
Saloon in company of each other and
that he Link saw said Smith place
his hand in deponent's pocket, and take
the money therefrom,

Deponent further says that he does not know
said defendant Smith and never saw him
before, Neil Mc Dermott

Sworn to before me, this 21 day
 of March 1889

Stephen A. ... Police Justice.

0376

CITY AND COUNTY }
OF NEW YORK, } ss.

aged 27 years, occupation Julius Link
Balloon Keeper of No.

534 2nd Avenue Street, being duly sworn deposes and

says, that he has heard read the foregoing affidavit of West E. C. Vermeert

and that the facts stated therein on information of deponent are true of deponents' own
knowledge.

Sworn to before me, this 21
day of March 1889

Julius Link

Wm. J. Vermeert
Police Justice.

0377

Sec. 198-200.

4 District Police Court.

CITY AND COUNTY }
OF NEW YORK, } ss.

Andrew Smith being duly examined before the under-
signed according to law, on the annexed charge; and being informed that it is his right to
make a statement in relation to the charge against him; that the statement is designed to
enable him if he see fit to answer the charge and explain the facts alleged against him
that he is at liberty to waive making a statement, and that his waiver cannot be used
against him on the trial.

Question. What is your name?

Answer. Andrew Smith

Question. How old are you?

Answer. 29 years

Question. Where were you born?

Answer. New York

Question. Where do you live, and how long have you resided there?

Answer. 244 East 55 Street 6 years

Question. What is your business or profession?

Answer. Brass polisher

Question. Give any explanation you may think proper of the circumstances appearing in the
testimony against you, and state any facts which you think will tend to your
exculpation?

Answer. I am not guilty

Andrew Smith

Taken before me this 21

day of March 1889

Stephen J. Smith
Police Justice.

0378

It appearing to me by the within depositions and statements that the crime therein mentioned has been committed, and that there is sufficient cause to believe the within named.....

guilty thereof, I order that he be held to answer the same and he be admitted to bail in the sum of
Ten..... *Hundred Dollars,*..... *and be committed to the Warden and Keeper of*
the City Prison, of the City of New York, until he give such bail.

Dated *March 31* 188 *9* *John J. Kane* *Police Justice.*

I have admitted the above-named.....
to bail to answer by the undertaking hereto annexed.

Dated..... 188 *Police Justice.*

There being no sufficient cause to believe the within named.....
guilty of the offence within mentioned, I order h to be discharged.

Dated..... 188 *Police Justice.*

0379

BAILED,

No. 1, by _____

Residence _____ Street.

No. 2, by _____

Residence _____ Street.

No. 3, by _____

Residence _____ Street.

No. 4, by _____

Residence _____ Street.

317 448
Police Court--- District.

THE PEOPLE, &c.,
ON THE COMPLAINT OF

Neil McDermott
92 Hazeltine
Andrew Smith

2 { _____

3 _____

4 _____

Offence *Drury from police*

Dated *March 21* 1889

Quinn Magistrate.

Quinn McDermott Officer.

21 Precinct.

Witnesses _____

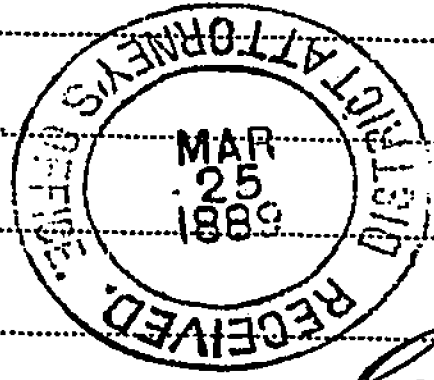
No. _____ Street.

No. _____ Street.

No. _____ Street.

\$ *1000* to answer *G.S.*

Quinn



0380

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK,

against

Andrew Smith

The Grand Jury of the City and County of New York, by this indictment, accuse

Andrew Smith

of the CRIME OF GRAND LARCENY IN THE second DEGREE, committed as follows:

The said

Andrew Smith

late of the City of New York, in the County of New York aforesaid, on the twentieth day of March in the year of our Lord one thousand eight hundred and eighty-nine, at the City and County aforesaid, with force and arms, in the day-time of the said day, —

one promissory note for the payment of money, being then and there due and unsatisfied (and of the kind known as United States Treasury notes), of the denomination and value of ten dollars — ; one promissory note for the payment of money, being then and there due and unsatisfied (and of the kind known as Bank Notes), of the denomination and value of ten dollars — ; one United States Silver Certificate of the denomination and value of ten dollars — ; one United States Gold Certificate of the denomination and value of ten dollars — ;

one promissory note for the payment of money, being then and there due and unsatisfied (and of the kind known as United States Treasury notes), of the denomination and value of five dollars — ; one promissory note for the payment of money, being then and there due and unsatisfied (and of the kind known as Bank Notes), of the denomination and value of five dollars — ; one United States Silver Certificate of the denomination and value of five dollars — ; one United States Gold Certificate of the denomination and value of five dollars — ;

of the goods, chattels and personal property of one Neil Mc Dermott on the person of the said Neil Mc Dermott, then and there being found from the person of the said Neil Mc Dermott — then and there being found; then and there feloniously did steal, take and carry away, against the form of the statute in such case made and provided, and against the peace of the People of the State of New York, and their dignity.

John R. Fellows
District Attorney.

0381

BOX:

348

FOLDER:

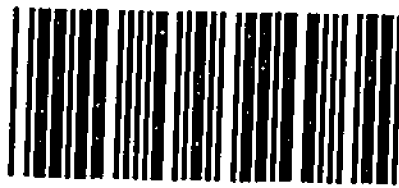
3276

DESCRIPTION:

Smith, Charles

DATE:

03/25/89



3276

0382

Witnesses:

W. M. Mahan
23rd Cent'l

Counsel,

Filed

Pleads

1st March 1889

City of

THE PEOPLE.

vs.

P

Charles Smith

Grand Larceny Second degree
[Sections 528, 58 (3rd Penal Code).]

JOHN R. FELLOWS,

District Attorney.

A True Bill.

J. P. Macdonald
Foreman.

Sanbury

Glenn H. May

State of Maryland

0383

Police Court—14 District.

Affidavit—Larceny.

City and County } ss.
of New York,of No. 71 Jefferson St. Brooklyn Street, aged 27 years,
occupation Drum being duly sworndeposes and says, that on the 15 day of February 1889 at the City of New
York, in the County of New York, was feloniously taken, stolen and carried away from the possession
of deponent, in the day time, the following property viz:

One wooden Trunk Containing
Wearing Apparel, Books, a small
Clock, Smoking Pipe and
a Surgical Pocket Case
Containing instruments. All
together of the value of One
Hundred dollars (\$100.00)

the property of

Deponent

and that this deponent
has a probable cause to suspect, and does suspect, that the said property was feloniously taken, stolen,
and carried away by

Charles Smith (nowhere)
from the fact that said property
was taken from the baggage room
of the Grand Central Railroad Depot
on the above date. Deponent is
informed by Officer Denis McMahon
of the 23rd Precinct Police
that he arrested defendant
Smith said property in his possession.
Deponent has since seen
said property and fully and
positively identifies the same
as his property.

J. H. [Signature]

Sworn to before me this
day of
[Signature]
Police Justice.

0304

CITY AND COUNTY }
OF NEW YORK, } ss.

aged 48 years, occupation Police Officer of No. 43

St. Paul Street, being duly sworn deposes and
says, that he has heard read the foregoing affidavit of Thos. Kitzel

and that the facts stated therein on information of deponent are true of deponents' own
knowledge.

Sworn to before me, this

day of May 1889

Dennis McMahon

A. J. White
Police Justice.

0385

Sec. 198—200.

CITY AND COUNTY }
OF NEW YORK, } ss.

District Police Court.

Charles Smith being duly examined before the under-
signed according to law, on the annexed charge; and being informed that it is *his* right to
make a statement in relation to the charge against *him*; that the statement is designed to
enable *him* if he see fit to answer the charge and explain the facts alleged against *him*,
that he is at liberty to waive making a statement, and that *his* waiver cannot be used
against *him* on the trial.

Question. What is your name?

Answer.

Question. How old are you?

Answer.

Question. Where were you born?

Answer.

Question. Where do you live, and how long have you resided there?

Answer.

Question. What is your business or profession?

Answer.

Question. Give any explanation you may think proper of the circumstances appearing in the
testimony against you, and state any facts which you think will tend to your
exculpation?

Answer.

I am not guilty

Charles Smith

Taken before me this
day of

188

Police Justice

0386

It appearing to me by the within depositions and statements that the crime therein mentioned has been committed, and that there is sufficient cause to believe the within named.....

Defendant

guilty thereof, I order that he be held to answer the same and he be admitted to bail in the sum of.....
Hundred Dollars,.....and be committed to the Warden and Keeper of
the City Prison, of the City of New York, until he give such bail.

Dated.....1889.....*[Signature]* Police Justice.

I have admitted the above-named.....
to bail to answer by the undertaking hereto annexed.

Dated.....188.....Police Justice.

There being no sufficient cause to believe the within named.....
.....guilty of the offence within mentioned, I order h to be discharged.

Dated.....188.....Police Justice.

0387

BAILED,

No. 1, by _____

Residence _____ Street.

No. 2, by _____

Residence _____ Street.

No. 3, by _____

Residence _____ Street.

No. 4, by _____

Residence _____ Street.

262
Police Court--- 297 District.

THE PEOPLE, &c.,
ON THE COMPLAINT OF

Henry Neigel
21- Gafferson st
Brooklyn
Chas. Smith

2 _____
3 _____
4 _____

Offence
Larceny
Golfing

Dated Feb 22 1889

White Magistrate.

McMahon Officer.

23rd Precinct.

Witnesses Call etc Office

No. _____ Street.

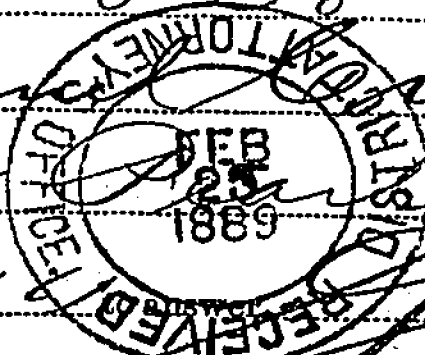
Remond F. Reilly

No. 554 W 3rd Street.

Marcus J. Romano

No. 222 Street.

\$ 1000



Com

0388

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK,

against

Charles Smith

The Grand Jury of the City and County of New York, by this indictment,
accuse

Charles Smith

of the CRIME OF GRAND LARCENY IN THE *second* DEGREE, committed
as follows:

The said

Charles Smith

late of the City of New York, in the County of New York aforesaid, on the
day of *February* in the year of our Lord one thousand eight hundred and
eighty-*nine*, at the City and County aforesaid, with force and arms,

*one trunk of the value of three
dollars, divers articles of clothing
and wearing apparel, of a number
and description to the Grand Jury
aforesaid unknown, of the value
of forty dollars, twenty books of the
value of fifty cents each, one clock
of the value of one dollar, one pipe
of the value of one dollar, and
one case of surgical instruments
of the value of twenty-five dollars,*

of the goods, chattels and personal property of one

Theodore Hetzel

then and there being found, then and there feloniously did steal, take and carry away,
against the form of the statute in such case made and provided, and against the peace of
the People of the State of New York, and their dignity.

0389

SECOND COUNT—

AND THE GRAND JURY AFORESAID, by this indictment, further accuse the said

Charles Smith

of the CRIME OF CRIMINALLY RECEIVING STOLEN PROPERTY committed as follows:

The said

Charles Smith

late of the City and County aforesaid, afterwards to wit: on the day and in the year aforesaid, at the City and County aforesaid, with force and arms,

one trunk of the value of three dollars, divers articles of clothing and wearing apparel of a number and description to the Grand Jury aforesaid unknown, of the value of fifty dollars, twenty books of the value of fifty cents each, one clock of the value of one dollar, one case of surgical instruments of the value of twenty five dollars
of the goods, chattels and personal property of one *Theodore Hetzel*

by a certain person or persons to the Grand Jury aforesaid unknown, then lately before feloniously stolen, taken and carried away from the said

Theodore Hetzel

unlawfully and unjustly, did feloniously receive and have; the said

Charles Smith

then and there well knowing the said goods, chattels and personal property to have been feloniously stolen, taken and carried away, against the form of the statute in such case made and provided, and against the peace of the People of the State of New York and their dignity.

JOHN R. FELLOWS,

District Attorney.

0390

BOX:

348

FOLDER:

3276

DESCRIPTION:

Smith, Charles

DATE:

03/01/89



3276

0391

BOX:

348

FOLDER:

3276

DESCRIPTION:

Jackson, Charles

DATE:

03/25/89



3276

0392

BOX:

348

FOLDER:

3276

DESCRIPTION:

Butler, Edward

DATE:

03/25/89



3276

0393

BOX:

348

FOLDER:

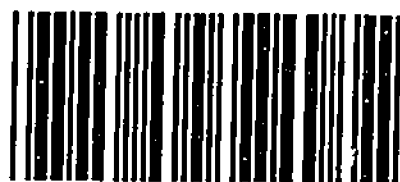
3276

DESCRIPTION:

Isaacs, Morris

DATE:

03/25/89



3276

4 - Great Barnett
102 Norfolk St.

Charles Smith
 Charles Jackson
 Thomas Butler
 James Evans

JOHN R. FLEMING

RECEIVED

JAN 10 1889

THE UNIVERSITY OF CHICAGO

4 Jacob Barnett
102 Norfolk St.

Page 1

Court of General Sessions.
of the City & County of New York.

The People &c

vs.

Charles Smith.
Charles Jackson.
Edward Butler ^{and}
Morris Isaacs.

On March 25th 1889. the Grand Jury of this County filed an indictment in this Court against the above named Defendants charging them with violating the Election Laws of this State.

The law charged in the indictment to have been violated by the Defendants is a portion of section 1904, Chapter 410, of the laws of 1882, which reads as follows, viz:

"If at any election hereafter held in the city and county of New York, any person shall by bribery, or reward, or offer, or promise thereof, or otherwise unlawfully, either directly or indirectly, influence or attempt to influence, any elector in giving his vote, shall upon conviction thereof, be adjudged guilty of a felony."

This section, 1904, is made up of many other prohibitory clauses besides the one quoted, but the indictment is wholly predicated upon the one referred to.

On the arraignment of the defendants to plead to the indictment, they interposed a demurrer, in and by which they claim:

First: That the indictment does not state facts sufficient to constitute a crime, and Second: That the indictment is bad for duplicity, in that it charges two separate and distinct crimes in a single count.

After a careful ^{Examination of the} indictment and the law I have come to the conclusion that both grounds of demurrer are untenable, for the following reasons:

So far as the first ground of demurrer is concerned, it appears upon inspection of the indictment that it not only follows the statutory words creating and defining the offence, but it also contains sufficient averments of time, place, manner and occasion of the committing of the alleged crime as will not only enable the Defendants to ascertain what they are to defend

themselves against, but sufficiently identifies the alleged crime so as to enable the Defendants to plead the same in bar to a second prosecution, and ordinarily this is sufficient to constitute a good indictment.

The ordinary rule is that a charge in an indictment, predicated upon a statute, may be made in the very words of the statute, when by using those words the act in which an offence consists is fully, directly and expressly alleged without any uncertainty or ambiguity.

Upon an inspection of this indictment, and comparing it with the statute upon which it is framed, it will be seen, that the pleader has not only followed this ordinary rule, but has also expanded the words of the statute, so as to give the manner and occasion of the committing of the alleged crime; Therefore the indictment in my judgment contains sufficient allegation of facts, to constitute a crime.

As to the second ground of demurrer, namely, that the indictment is bad.

is bad for duplicity, in charging two separate and distinct crimes in a single count, it is perfectly evident upon an inspection of the indictment, that the pleader intended to charge but one crime, to wit: that of bribery of an elector, to influence him in giving his vote, at a general election held in this County.

The first and only count in the indictment, among other things charges that the Defendants feloniously and unlawfully offered and gave a bribe, and in as much as the statute, makes not only the actual giving a bribe, an offence, but also makes it an offence to offer one, the Defendants contend that the count charges two distinct offences, and is therefore bad for duplicity.

In this contention, in my judgment, the Defendants are in error, for the law is well settled in this State, as well as in some, at least, of the other States; that where an offence may be committed by doing any one of several things, the indictment may in a single count group

them all together, and charge the Defendants to have committed them all, and a conviction may be had on proof of the committing of any one. See {The Geo. vs Bork, 91 N.Y. 13.

" " " Davis, 56 " 95.

Bishop in his work upon Statutory Crimes, at section 383, lays down the following rule to be observed in drawing an indictment upon a statute: "If an indictment is to be drawn on a statute in alternative clauses, the pleader, as a general rule, may elect to charge no more than constitutes an offence, within one clause, or he may proceed upon two clauses, or three, or all, as he deems best, and all in a single count; employing the conjunctive "and" where the statute uses the disjunctive "or." But though the conviction may be for the whole, it is all when proceeded against in this way, regarded as only one offence, subjecting the offender to no more than one penalty."

Under a Massachusetts statute, where the words were "who ever sells or offers for sale adulterated

milk, is guilty etc"; an indictment was sustained, which alleged that the Defendant not only unlawfully offered for sale, but also sold, adulterated milk, in one and the same count. See Com. vs. Smith 103 Mass. 444.

It follows in this case in the light of the foregoing decisions, that the pleader, intending to charge only a single crime against the Defendants has the legal right to charge the same as he has done in this indictment.

Judgment is therefore ordered for the people on the demurrer, with leave to the Defendants to answer over.

Dated N.Y. May, 4th 1889

Rufus R. Cowing
 City Judge

General Sessions.

The Geo etc

vs

Charles Smith
Etal

Opinion over-ruling
demurrer and ordering
judgment for the People,
with leave for the Defendants
to answer over.

Rufus D. Cowing
City Judge
per C.

Filed May 6 1889

0403

Court of General Sessions of the Peace
OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK,

against

Charles Smith, Charles
Gadson, Edward Butler
and Morris Dances

The Grand Jury of the City and County of New York, by this

Indictment accuse

Charles Smith, Charles Gadson,
Edward Butler and Morris Dances

of the crime of a Felony,

committed as follows:

Heretofore, to wit:

on Tuesday the sixth day
of November, in the year of our Lord
one thousand eight hundred and eighty
eight, (the same being the Tuesday suc-
ceeding the first Monday in the said
month of November), there was held a
general election throughout the State
of New York, and in the said City and
County of New York, and on the day
and in the year aforesaid, and at the
said election, the said Charles Smith,
Charles Gadson, Edward Butler and
Morris Dances, all of the said
City and County, at the City and County
aforesaid, did then and there feloniously,
lawfully and reward, and try an
offer and promise thereof, unlawfully

0404

directly influence, and cause and procure
to be directly influenced, a certain man
whose name is to the Grand Jury of the
said unknown, then being an elector
of the 1st Ward Election District of the
1st Assembly District of the said
City and County of the said election,
in giving his vote at the said election,
to wit: then and there demanding
and unlawfully giving, and offering
and promising to give, and causing and
procuring to be given, and offered
and promised to be given, to the said
elector, a sum of money to the Grand
Jury of the said unknown, as a bribe
and reward, thereby to influence the
said elector in giving his vote at the
said election, and by reason and by
means whereby the said elector was
then and there influenced as aforesaid,
and did then and there give his vote, and
vote in the said Election District at the
said election, under such influence and in
violation thereof; against the form
of the Statute in such case made and
provided, and against the peace of the
People of the State of New York, and
their dignity.

John R. Fellows, District Attorney

0405

BOX:

348

FOLDER:

3276

DESCRIPTION:

Smith, Edward

DATE:

03/19/89



3276

0406

Witnesses ;

Counsel,

Filed

Pleads,

City of March 1889

Myself

THE PEOPLE

vs.

P

Edward Smith

P2 Inc 20/89

True & corrected

JOHN R. FELLOWS,

District Attorney.

Part 2. March 25 at 11:15

received 11:20

A True Bill.

Chas H Scott Foreman.

Grand Larceny, 5th Degree.
(From the Person.)
[Sections 528, 580 — Penal Code.]

T

0407

Police Court - 3rd District.

Affidavit-Larceny.

City and County } ss.:
of New York.of No. 12 Av A Katie Rebig Street, aged 18 years,
occupation Vest-maker being duly sworndeposes and says, that on the 5 day of March 1889 at the City of New
York, in the County of New York, was feloniously taken, stolen and carried away from the possession
of deponent, in the time, the following property, viz:

One Pocket
book containing fifty
five Cents, in good and
lawful current money of the
United States, of the sum
value of 65¢ Deponent
the property of

and that this deponent
has a probable cause to suspect, and does suspect, that the said property was feloniously taken, stolen,
and carried away by Edward Smith (now

here) for the reason that on
said night and date Deponent
felt said Deponent's hand
in her pocket and saw said
pocket book in said Deponent's
possession and in his hand.
Wherefore Deponent now
charges said Deponent with
taking, stealing and carrying
away from her person and
possession said property and
prays that he be dealt with
as the Law directs.

Katie Rebig

Sworn to before me, this

day

1889

Police Justice.

0408

Sec. 198-200.

CITY AND COUNTY } ss.
OF NEW YORK, }

320 District Police Court.

Edward Smith being duly examined before the under-
signed according to law, on the annexed charge; and being informed that it is *his* right to
make a statement in relation to the charge against *him*, that the statement is designed to
enable *him* if he see fit to answer the charge and explain the facts alleged against *him*
that *he* is at liberty to waive making a statement, and that *his* waiver cannot be used
against *him* on the trial.

Question. What is your name?

Answer. *Edward Smith*

Question. How old are you?

Answer. *19 years of age*

Question. Where were you born?

Answer. *New York City*

Question. Where do you live, and how long have you resided there?

Answer. *214 East 14th St (6 Months)*

Question. What is your business or profession?

Answer. *Caddler*

Question. Give any explanation you may think proper of the circumstances appearing in the
testimony against you, and state any facts which you think will tend to your
exculpation?

Answer. *Am not guilty*
Edward Smith

Taken before me this

day of *July* 188*8*

Police Justice.

0409

It appearing to me by the within depositions and statements that the crime therein mentioned has been committed, and that there is sufficient cause to believe the within named.....

Defendant
guilty thereof, I order that he be held to answer the same and he be admitted to bail in the sum of *Seven* Hundred Dollars,..... and be committed to the Warden and Keeper of the City Prison of the City of New York, until he give such bail.

Dated *Mar 6* 188*9* *W. B. Duffy* Police Justice.

I have admitted the above-named.....
to bail to answer by the undertaking hereto annexed.

Dated..... 188..... Police Justice.

There being no sufficient cause to believe the within named.....
..... guilty of the offence within mentioned, I order h to be discharged.

Dated..... 188..... Police Justice.

04 10

Police Court---

3rd 348 District

THE PEOPLE, &c.,
ON THE COMPLAINT OF

John Albright
vs
Edward O. O'Brien

2

3

4

Dated

188

Magistrate.

Officer.

14 Precinct.

Witnesses

No.

Street.

No.

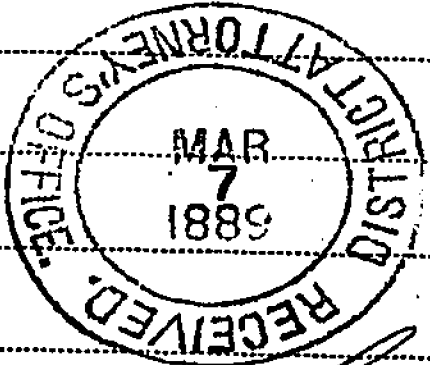
Street.

No.

Street.

\$

to answer



921
perman

BAILED,

No. 1, by

Residence

Street.

No. 2, by

Residence

Street.

No. 3, by

Residence

Street.

No. 4, by

Residence

Street.

0411

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK

against

Edward Smith

The Grand Jury of the City and County of New York, by this indictment, accuse
— Edward Smith —
of the CRIME OF GRAND LARCENY in the first degree, committed as follows:

The said Edward Smith

late of the City of New York, in the County of New York aforesaid, on the fifth
day of March in the year of our Lord one thousand eight hundred and
eighty-nine, in the night-time of the said day, at the City and County
aforesaid, with force and arms, one silver coin of the United States
of the kind commonly half dollars, of the
value of fifty cents, two silver coins of
the kind commonly called quarter dollars
and of the value of twenty-five cents each,
six silver coins of the kind commonly called
dimes of the value of ten cents each, ten
nickel coins of the kind commonly called
five cents pieces and of the value of five cents
each, fifteen coins of the kind commonly
called cents, and of the value of one cent each, and one
pocketbook of the value of twenty-five cents

of the goods, chattels and personal property of one Katie Rebig
on the person of the said Katie Rebig
then and there being found, from the person of the said Katie Rebig
then and there feloniously did steal, take and carry away, against the form of the statute in such
case made and provided, and against the peace of the People of the State of New York and their
dignity.

John R. Fellows,
District Attorney.

0412

BOX:

348

FOLDER:

3276

DESCRIPTION:

Smith, Joseph C.

DATE:

03/21/89



3276

0413

BOX:

348

FOLDER:

3276

DESCRIPTION:

Smith, Albert

DATE:

03/21/89



3276

0414

Witnesses:

Counsel,

Filed

Pleads,

May 1889

THE PEOPLE

vs.

Joseph C. Smith
and P.
Albert Smith

JOHN R. FELLOWS,

P. 2 Nov 28/89 District Attorney.
Both tried & acquitted.

A True Bill.

Chas. S. cutt Foreman.

Burglary in the Third degree.
Grand Jurors in
degree & receiving
[Section 498.50 & 425.531 P.S.D.]

0415

Police Court—4 District.

City and County of New York, ss.:

of No. 72 East 111th Street, aged 53 years, occupation Retired

deposes and says, that the premises No. 231 East 7th Street, 19 Ward in the City and County aforesaid the said being a Brick Dwelling

House and which was occupied by deponent as a dwelling and in which there was at the time a human being, by name

were BURGLARIOUSLY entered by means of forcibly Opening a rear window leading from the yard to the basement of above premises

on the 26th day of February 1889 in the day time, and the following property feloniously taken, stolen, and carried away, viz:

A quantity of Lead Pipe and Plumbers Fittings together of the value of two hundred dollars.

the property of Dependent and deponent further says, that he has great cause to believe, and does believe, that the aforesaid BURGLARY was committed and the aforesaid property taken, stolen and carried away by

Joseph L. Smith & Charles Smith
(both now here)

for the reasons following, to wit:

That on the 23rd day of February 1889 Dependent saw the said premises and left same premises
That on the 1st day of March 1889 Dependent discovered that said premises had been burglariously entered as aforesaid and the said property taken stolen and carried away. Dependent

0416

is informed by James Brady -
that on the 26th day of February 1884
he saw the said Joseph
Smith leave said premises
with a quantity of lead in
his possession. Defendant
is further informed by Officer -
~~James Kane~~ that the
arrested the said Joseph
C Smith and Albert Smith
and that the said Joseph
admitted and confessed to
him that he did enter said
premises as a trespasser and
did feloniously steal a portion
of said property and that the said
Albert admitted and confessed
to him that he was in said
premises and that he did
receive from the said Joseph a
portion of the money received from
the sale of a portion of the property
taken from defendant's premises
Defendant thereupon moved that the
said defendant be held to answer the same and
he was ordered to answer the same on the 1st day of March 1884

It appearing to me by the within depositions and statements that the crime therein mentioned has been committed, and that there is sufficient cause to believe the within named
guilty thereof, I order that he be held to answer the same and he be admitted to bail in the sum of
Hundred Dollars and be committed to the Warden and Keeper of the City Prison
of the City of New York, until he give such bail
Dated this 1st day of March 1884

I have admitted the above named
to bail to answer the within named
where being no sufficient cause to believe the within named
guilty of the offense with which mentioned, I order he to be discharged.
Police Justice

Police Court, District,

THE PEOPLE, &c.,
on the complaint of

vs.

1
2
3
4

Dated

188

Magistrate.

City.

Witness,

No.

No.

No.

\$ to answer General Sessions.

Alfred R. Bick
Police Justice

0417

CITY AND COUNTY }
OF NEW YORK, } ss.

aged 36 years, occupation Police Officer of No. 230

James Kane
230 Street, being duly sworn deposes and

says, that he has heard read the foregoing affidavit of

and that the facts stated therein on information of deponent are true of deponents' own knowledge.

Sworn to before me, this

day of March 1889

W. A. Kane

Police Justice.

0418

CITY AND COUNTY }
OF NEW YORK, } ss.

aged 35 years, occupation None of No.

223 East 58th Street, being duly sworn deposes and

says, that he has heard read the foregoing affidavit of

and that the facts stated therein on information of deponent are true of deponents' own knowledge.

Sworn to before me, this

day of March 1888

Wm. Burke

Police Justice.

James Brady

Adolph Lindecker

his
James Brady
Wm. Burke

0419

Sec. 198-200.

CITY AND COUNTY OF NEW YORK, ss.

4 District Police Court.

Joseph Smith being duly examined before the undersigned according to law, on the annexed charge; and being informed that it is his right to make a statement in relation to the charge against him; that the statement is designed to enable him if he see fit to answer the charge and explain the facts alleged against him that he is at liberty to waive making a statement, and that his waiver cannot be used against him on the trial.

Question. What is your name?

Answer.

Question. How old are you?

Answer.

Question. Where were you born?

Answer.

Question. Where do you live, and how long have you resided there?

Answer.

Question. What is your business or profession?

Answer.

Question. Give any explanation you may think proper of the circumstances appearing in the testimony against you, and state any facts which you think will tend to your exculpation?

Answer.

I am not guilty of the Charge

Joseph C Smith

Taken before me this

day of *March* 188*8*

Police Justice

0420

Sec. 198-200.

4 District Police Court.

CITY AND COUNTY } ss.
OF NEW YORK, }

Albert Smith being duly examined before the under-
signed according to law, on the annexed charge; and being informed that it is h right to
make a statement in relation to the charge against h; that the statement is designed to
enable h if he see fit to answer the charge and explain the facts alleged against h
that he is at liberty to waive making a statement, and that h waiver cannot be used
against h on the trial.

Question. What is your name?

Answer. Albert Smith

Question. How old are you?

Answer. 16 Years

Question. Where were you born?

Answer. New York

Question. Where do you live, and how long have you resided there?

Answer. 323 Eush 5th St. 18 Years

Question. What is your business or profession?

Answer. Watchman

Question. Give any explanation you may think proper of the circumstances appearing in the
testimony against you, and state any facts which you think will tend to your
exculpation?

Answer. I am not guilty of the
charge

Albert Smith

Taken before me this

day of

1888

Police Justice

0421

It appearing to me by the within depositions and statements that the crime therein mentioned has been committed, and that there is sufficient cause to believe the within named

Joseph Smith *W. O. Barker Smith*
guilty thereof, I order that he be held to answer the same and he be admitted to bail in the sum of *Twenty* Hundred Dollars, and be committed to the Warden and Keeper of the City Prison, of the City of New York, until he give such bail.

Dated *March 1* 188*9* *M. A. Burke* Police Justice.

I have admitted the above-named *Albert Smith*
to bail to answer by the undertaking hereto annexed.

Dated *March 2* 188*9* *M. A. Burke* Police Justice.

There being no sufficient cause to believe the within named
guilty of the offence within mentioned, I order he to be discharged.

Dated _____ 188 _____ Police Justice.

0422

275 + 296)
Police Court---

328 District.

THE PEOPLE, &c.,
ON THE COMPLAINT OF

Adolph Levindean
72 East 111
Joseph L. Smith
Robert Smith

BAILED,

No. 1, by

Residence

Street.

No. 2, by

Residence

Street.

No. 3, by

Residence

Street.

No. 4, by

Residence

Street.

Dated

188

Magistrate.

Officer.

Precinct.

Witnesses

No.

Street.

No.

Street.

No.

Street.

\$

to answer

See Report of N.Y. S. P. C. A.
for information about defendant
filed with these papers. If lost,
notify the Society at once.

no 2 Bailed

0423

Went of General Services

He keeps you and

Adolph T. Linderker

against

Joseph Smith

REPORT OF THE NEW YORK SOCIETY FOR
THE PREVENTION OF CRUELTY
TO CHILDREN.

100 EAST 23D STREET,

New York, March 2 1889

CASE NO. 40550

DATE OF ARREST

CHARGE

OFFICER

AGE OF CHILD

RELIGION

FATHER

MOTHER

RESIDENCE

AN INVESTIGATION BY THE SOCIETY SHOWS THAT

boy does not work or attend school, & there is no record that he was ever arrested before, charged with crime, his associations are bad. Boy lives with his 2 grown up sisters, who are respectable, & are dressmakers. The father of boy is addicted to drink, & is away from home these last 7 years.

All which is respectfully submitted

To

The District

Wm. J. Perry
President

0424

County of General Sessions

The People vs. Adolph Luidecker

accused by Joseph Smith

REPORT OF THE NEW YORK SOCIETY FOR
THE PREVENTION OF CRUELTY
TO CHILDREN.

100 EAST 23D STREET,

New York, March 2 1889

CASE NO. 40550 OFFICER Lane 73rd Dist
 DATE OF ARREST July 27/89
 CHARGE Burglary
 AGE OF CHILD 15 years on the 26th of April last
 RELIGION Catholic
 FATHER John
 MOTHER Dead 15 years
 RESIDENCE 342 East 66th W

AN INVESTIGATION BY THE SOCIETY SHOWS THAT boy does
 not work or attend school, & there is no
 record that he was ever arrested before, charged
 with crime, his associations are bad
 Boy lives with his 2 grown up sisters,
 who are respectable, & are dressmakers,
 the father of boy is addicted to drink, &
 is away from home these last 7 years

All which is respectfully submitted

Miss O'Connell
President

To The District

0425

Committee of General Services

<i>Joseph W. Smith</i>	<i>Joseph W. Smith</i>
<i>Joseph W. Smith</i>	<i>Joseph W. Smith</i>

PENAL CODE, § 8

Report of the New York Society
for the Prevention of Cruelty
to Children.

ELBRIDGE T. GERRY,
President, &c.,

100 East 23d Street,
NEW YORK CITY.

0426

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK

against
Joseph C. Smith
and Albert Smith

The Grand Jury of the City and County of New York, by this indictment, accuse

Joseph C. Smith and Albert Smith

of the CRIME OF BURGLARY IN THE THIRD DEGREE, committed as follows:

The said

Joseph C. Smith and
Albert Smith, both

late of the *Nineteenth* Ward of the City of New York, in the County of
New York, aforesaid, on the *twenty-sixth* day of *February* in the year of
our Lord one thousand eight hundred and eighty-*nine*, with force and arms, at the Ward,
City and County aforesaid, a certain building there situate, to wit: the *building* of one

Adolph Leindecker

feloniously and burglariously did break into and enter, with intent to commit some crime therein,
to wit: with intent, the goods, chattels and personal property of the said

Adolph Leindecker

in the said *building* then and there being, then and there feloniously and burglariously
to steal, take and carry away, against the form of the statute in such case made and provided, and
against the peace of the People of the State of New York and their dignity.

0427

SECOND COUNT—

AND THE GRAND JURY AFORESAID, by this indictment further accuse the said
Joseph C. Smith and Albert Smith
of the CRIME OF ^{Grand} LARCENY in the second degree committed as follows:

The said Joseph C. Smith and
Albert Smith, both —
late of the Ward, City and County aforesaid, afterwards, to wit: on the day and in the year aforesaid,
at the Ward, City and County aforesaid, in the day — time of the said day, with force and arms,
five hundred pounds of lead
pipe of the value of twenty
cents each pound, and a quantity
of plumber's fittings of ~~a~~ number
and description to the Grand Jury
aforesaid unknown of the value
of one hundred dollars

of the goods, chattels and personal property of one Adolph Heindeker
in the Building of the said Adolph Heindeker

there situate, then and there being found, in the Building aforesaid, then and there
feloniously did steal, take and carry away, against the form of the statute in such case made and
provided, and against the peace of the People of the State of New York and their dignity.

0428

THIRD COUNT—

AND THE GRAND JURY AFORESAID, by this indictment, further accuse the said
Joseph C. Smith and Albert Smith
of the CRIME OF CRIMINALLY RECEIVING STOLEN PROPERTY, committed as follows:

The said *Joseph C. Smith and Albert Smith* both

late of the Ward, City and County aforesaid, afterwards to wit: on the day and in the year aforesaid, at the Ward, City and County aforesaid, with force and arms,

*five hundred pounds of lead pipe
of the value of twenty cents each
pound, and a quantity of plumbers
fittings of a number and description
to the Grand Jury aforesaid unknown
of the value of one hundred dol-
lars*

of the goods, chattels and personal property of one *Adolph Heindecker*

by a certain person or persons to the Grand Jury aforesaid unknown, then lately before feloniously
stolen, taken and carried away from the said *Adolph Heindecker*

unlawfully and unjustly, did feloniously receive and have; the said *Joseph C.*

Smith and Albert Smith

then and there well knowing the said goods, chattels and personal property to have been feloniously
stolen, taken and carried away, against the form of the statute in such case made and provided,
and against the peace of the People of the State of New York and their dignity.

JOHN R. FELLOWS,

District Attorney.

0429

BOX:

348

FOLDER:

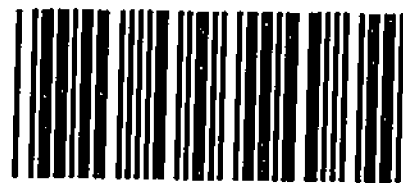
3276

DESCRIPTION:

Snyder, Harris

DATE:

03/14/89



3276

0430

Witnesses:

Counsel,

Filed

day of

1889

Pleads,

THE PEOPLE

vs.

Harris Snyder

JOHN R. FELLOWS,

District Attorney.

73 Ind 21/89

Ind acquitted.

A TRUE BILL.

Chas W Scott Foreman.

Grand Larceny Second degree.

[Sections 528, 53 / - , Pennl Code].

John R. Fellows

10

0431

Police Court 3 District.

Affidavit—Larceny.

City and County } ss.:
of New York, 1886.

of No.

135 Harrison Street, aged 25 years,
occupation Housekeeper being duly sworndeposes and says, that on the 4 day of March 1886 at the City of New York, in the County of New York, was feloniously taken, stolen and carried away from the possessionof deponent, in the daytime, the following property, viz:

A Pocket Book containing
Good and lawful money
of the United States of the
Amount and Value of

Sixteen Dollars ²⁰/₁₀₀

the property of deponent and her husband Benjamin
Pillnick

and that this deponent
has a probable cause to suspect, and does suspect, that the said property was feloniously taken, stolen,
and carried away by Harry Snyder (murderer)

from the fact that previous to said
larceny deponent had said money
in a Pocket book and said
Pocket Book was in a pocket of
a dress then and there worn out person
of deponent and while deponent was
in premises 52 Stanton Street the said
deponent placed his hand into
deponent's pocket and took the above
property and ran away with it
in his possession.

Resey Pillnick
Musk

Sworn to before me, this

1st

day

Police Justice.

0432

Sec. 103—200.

3

District Police Court.

CITY AND COUNTY }
OF NEW YORK, } ss.

Harris Smyar being duly examined before the under-
signed according to law, on the annexed charge; and being informed that it is h right to
make a statement in relation to the charge against h, that the statement is designed to
enable h if he see fit to answer the charge and explain the facts alleged against h
that he is at liberty to waive making a statement, and that h waiver cannot be used
against h on the trial.

Question. What is your name?

Answer.

Harris Smyar

Question. How old are you?

Answer.

23 years

Question. Where were you born?

Answer.

Russia

Question. Where do you live, and how long have you resided there?

Answer.

14 Kuller 3 months

Question. What is your business or profession?

Answer.

Express

Question. Give any explanation you may think proper of the circumstances appearing in the
testimony against you, and state any facts which you think will tend to your
exculpation?

Answer.

I am not Guilty

Harris + Smyar
Mark

Taken before me this

4

day of *May* 188*8*

Police Justice.

0433

It appearing to me by the within depositions and statements that the crime therein mentioned has been committed, and that there is sufficient cause to believe the within named.....

guilty thereof, I order that he be held to answer the same and he be admitted to bail in the sum of
five Hundred Dollars,.....*Alfano*
and be committed to the Warden and Keeper of
the City Prison, of the City of New York, until he give such bail.

Dated.....*March 5*.....188*9*.....*J. P. Duffy*.....*Police Justice.*

I have admitted the above-named.....
to bail to answer by the undertaking hereto annexed.

Dated.....188.....*Police Justice.*

There being no sufficient cause to believe the within named.....
guilty of the offence within mentioned, I order h to be discharged.

Dated.....188.....*Police Justice.*

0434

71 344
Police Court---(3) District.

THE PEOPLE, &c.,
ON THE COMPLAINT OF

Rory Pittnick
136 Harrison Ave
Brooklyn
Harris Sanford

2

3

4

Officer "Gentry"

BAILED,

No. 1, by

Residence

Street.

No. 2, by

Residence

Street.

No. 3, by

Residence

Street.

No. 4, by

Residence

Street

Dated

March 5

1889

Magistrate.

Officer.

Precinct.

Witnesses

Bernard Pittnick

No.

135 Harrison

Street.

No.

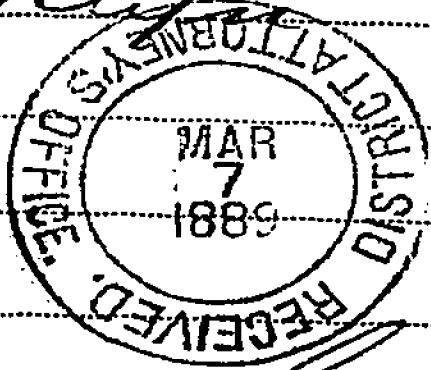
Brooklyn

Street.

No.

\$ 5.00

to answer



Law

922
person
money

0435

COURT OF GENERAL SESSIONS OF THE PEACE, OF THE CITY AND COUNTY
OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK,

against

Harris Snyder

THE GRAND JURY OF THE CITY AND COUNTY OF NEW YORK, by
this indictment, accuse *Harris Snyder* —

of the CRIME OF GRAND LARCENY IN THE *second* DEGREE,
committed as follows :

The said

Harris Snyder

late of the City of New York, in the County of New York aforesaid, on the *fourth*
day of *March* in the year of our Lord one thousand eight hundred and
eighty-*nine*, at the City and County aforesaid, with force and arms, in the
day time of the same day, divers promissory notes for the payment of money, being
then and there due and unsatisfied (and of the kind known as United States Treasury
Notes), of a number and denomination to the Grand Jury aforesaid unknown, for the
payment of and of the value of *sixteen* —

dollars ; divers other promissory notes for the payment of money, being then and there due
and unsatisfied (and of the kind known as Bank Notes), of a number and denomination
to the Grand Jury aforesaid unknown, for the payment of and of the value of
sixteen —
dollars; divers United States Silver Certificates of a number and denomination to the Grand
Jury aforesaid unknown, of the value of *sixteen* —

dollars ; divers United States Gold Certificates of a number and denomination to the
Grand Jury aforesaid unknown, of the value of *sixteen* —

dollars ; divers coins of a number, kind and denomination to the Grand Jury aforesaid
unknown, of the value of *sixteen dollars and*

twenty cents

of the goods, chattels and personal property of one *Rosey Pellnick*, on the
person of the said Rosey Pellnick then and there being found,
from the person of the said Rosey Pellnick
then and there feloniously did steal, take and carry away, against the form of the
statute in such case made and provided, and against the peace of the People of the State
of New York, and their dignity.

JOHN R. FELLOWS, *District Attorney.*